RONALD RUS, #67369
rrus@rusmiliband.com
LEO J. PRESIADO, #166721
lpresiado@rusmiliband.com
RUS, MILIBAND & SMITH
A Professional Corporation
Seventh Floor
2211 Michelson Drive
Irvine, California 92612
Telephone: (949) 752-7100
Facsimile: (949) 252-1514

Attorneys for Defendants
THUNDERWOOD HOLDINGS, INC.,
BRIAN DUNNING, and BRIANDUNNING.COM

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

EBAY INC., Plaintiff, vs. DIGITAL POINT SOLUTIONS, INC.; SHAWN HOGAN; KESSLER's FLYING CIRCUS; THUNDERWOOD HOLDINGS, INC.; TODD DUNNING; DUNNING ENTERPRISES, INC.; BRIAN DUNNING; BRIANDUNNING.COM; and DOES 1-20, Defendants.	CASE NO. CV 08-4052 JF (PVT) **STIPULATION TO EXTEND TIME FOR DEFENDANTS TO RESPOND TO SECOND AMENDED COMPLAINT; ORDER THEREON** Honorable Jeremy Fogel, Judge presiding

TO THE HONORABLE JEREMY FOGEL, JUDGE OF THE UNITED STATES DISTRICT COURT:

The parties to this action, by and through their attorneys of record, hereby agree and stipulate based on the following recitals:

/ / /

/ / /

/ / /

Dockets.Justia.com

RECITALS

A. Plaintiff EBAY INC. commenced this action on August 25, 2008.

B. Plaintiff filed its First Amended Complaint on October 7, 2008 ("FAC").

C. All Defendants to the action filed Motions to Dismiss the FAC. Defendants' Motions were heard on December 12, 2008.

D. On February 24, 2009 Defendants' Motions to Dismiss the FAC were granted with leave to amend and/or granted in part with leave to amend, such that Plaintiff was given 30 days to file a second amended complaint.

E. Plaintiff filed its Second Amended Complaint on March 26, 2009 ("SAC").

F. Defendants contend that they require more than the statutory 10-day period to respond to the SAC.

G. The parties agree that Defendants shall have 30 days to respond to the SAC such that Defendants' responses to the SAC shall be filed and served on or before April 27, 2009.

WHEREFORE, the Parties agree as follows:

1. Defendants shall have until April 27, 2009 to file and serve a response to the SAC.

2. Defendants shall coordinate so that to the extent more than one Defendant files a motion in response to the SAC, such motions shall be set for hearing on the same date.

3. The Stipulation may be executed in one or more counterparts.

DATED: April 6, 2009

O'MELVENY & MYERS

By: David R. Eberhart /DS
David R. Eberhart
Sharon M. Bunzel
Colleen M. Kennedy
Attorneys for Plaintiff eBay, Inc.

DATED: April 3, 2009

RUS, MILIBAND & SMITH
A Professional Corporation

By: ______________________
Leo J. Presiado
Attorneys for Defendants
Thunderwood Holdings, Inc., Brian Dunning
and BrianDunning.com

DATED: April 3, 2009

FREELAND, COOPER & FOREMAN, LLP

By: ______________________
Stewart H. Foreman
Daniel Bernhard
Attorneys for Defendants Todd Dunning
and Dunning Enterprises, Inc.

DATED: April __, 2009

COAST LAW GROUP. LLP

By: ______________________
Seyamack Kouretchian
Ross Campbell
Attorneys for Digital Point Solutions, Inc.
and Shawn Hogan

DATED: April __, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

By: ______________________
Patrick K. McClellan
Attorney for Kessler's Flying Circus

IT IS SO ORDERED.

DATED:

____
HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES DISTRICT COURT

DATED: April 3, 2009

RUS, MILIBAND & SMITH
A Professional Corporation

By: [signature]
Leo J. Presiado
Attorneys for Defendants
Thunderwood Holdings, Inc., Brian Dunning
and BrianDunning.com

DATED: April __, 2009

FREELAND, COOPER & FOREMAN, LLP

By:______________________________
Stewart H. Foreman
Daniel Bernhard
Attorneys for Defendants Todd Dunning
and Dunning Enterprises, Inc.

DATED: April 3, 2009

COAST LAW GROUP. LLP

By: [signature]
Sevamack Kouretchian
Ross Campbell
Attorneys for Digital Point Solutions, Inc.
and Shawn Hogan

DATED: April __, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

By:______________________________
Patrick K. McClellan
Attorney for Kessler's Flying Circus

IT IS SO ORDERED.

DATED:

____
HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES DISTRICT COURT

DATED: April 3, 2009

RUS, MILIBAND & SMITH
A Professional Corporation

By: ______________________
Leo J. Presiado
Attorneys for Defendants
Thunderwood Holdings, Inc., Brian Dunning
and BrianDunning.com

DATED: April __, 2009

FREELAND, COOPER & FOREMAN, LLP

By: ______________________
Stewart H. Foreman
Daniel Bernhard
Attorneys for Defendants Todd Dunning
and Dunning Enterprises, Inc.

DATED: April __, 2009

COAST LAW GROUP. LLP

By: ______________________
Seyamack Kouretchian
Ross Campbell
Attorneys for Digital Point Solutions, Inc.
and Shawn Hogan

DATED: April 3, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

By: ______________________
Patrick K. McClellan
Attorney for Kessler's Flying Circus

IT IS SO ORDERED.

DATED:

____
HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES DISTRICT COURT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing: **STIPULATION TO EXTEND TIME FOR DEFENDANTS TO RESPOND TO SECOND AMENDED COMPLAINT; ORDER THEREON** was filed with the Court's Electronic Filing System on April 6, 2009 and may be accessed electronically.

s/ Leo J. Presiado
Leo J. Presiado
Rus, Miliband & Smith, APC
2211 Michelson Drive, Seventh Floor
Irvine, California 92612
Tel: (949) 752-7100
Fax: (949) 252-1514
Email: lpresiado@rusmiliband.com
Attorneys for Defendants Thunderwood Holdings, Inc., Brian Dunning and Briandunning.com